

**A COMMISSION MEETING OF AUGUST 6, 2012 WHICH WAS HELD AT THE CENTRAL MONTANA COMMUNITY CENTER AND STARTED AT 7:00 P.M.**

**CALL TO ORDER**

Chairman Gremaux called the meeting to order.

**ROLL CALL**

Present were Commissioners Berry, Doney, Gremaux, Hewitt, Phillips, Putnam and Turk.

**APPROVAL OF MINUTES**

There were no minutes.

**COURTESIES**

There were none.

**PROCLAMATIONS**

There were none.

**BOARD AND COMMISSION REPORTS**

Commissioner Hewitt reported that she recently attended an Airport Board meeting and the runway is done, but still needs to be striped. The Airport Board is continuing to work on trying to find an area where the grease traps from the restaurants can be dumped. Charlie Rogers is going to be building a new building. The Airport Board is looking at their leases and what changes can be made as they come up for renewal. The Airport Board is also rewriting their bylaws.

**CITY MANAGE REPORT**

City Manager Kevin Myhre reported on the following issues:

City Staff were able to open the emergency control gate at East Fork Reservoir on July 25<sup>th</sup>. They were able to make a temporary connection to the separated shaft and then could pull the gate open to accomplish the desired drain rate. We still will have to drain the reservoir to make the permanent connection and repair the shaft assembly.

The City Office has received several complaints from citizens about odors from the WWTP. Most of the complaints have come from the area directly west of the plant. There are two aspects of the facility which are prone to emitting undesired odors. The wastewater treatment plant processes the sewage created in the City and produces a byproduct of sewage sludge or cake. The City then takes the sludge and mixes it with the leaves and grass clippings that

citizens dispose of at the facility to make a compost material which is processed to a point where it can be reused as compost material in the community. The City has made great improvements in reducing the odors from the wastewater treatment process over the past 10 years by changing some equipment and by refusing to take grease trap pumping. The composting process still creates heavy odors especially after rainstorms or when water is added through flooding. This year, the adjacent irrigation ditch has leaked much more than usual and has flooded the composting area. As the area dries out, the odors should be reduced. The most effective solution to reduce the odor is to landfill the waste sludge and discontinue the composting efforts. That would require that the City stop taking grass clippings and leaves and close the drop off facility. The City would probably have to stop picking up leaves in the fall. This would decrease some workload but increase landfill costs for both the City and the City's residents. Another solution which would help is to re-grade the area once it dries out to reduce the impacts of surface water and localized flooding.

The County Commissioners have requested to renegotiate the contract between the City and County for the City Attorney's office provisions. The City Manager has met with them along with the City and County Attorneys' to discuss the current situation. City Attorney Monte Boettger and the City Manager are in the process of looking at the costs of locating elsewhere to analyze the benefits of the current situation.

The Central Montana Health District has increased their contribution requirement from Fergus County and the County Commissioners would like the City to increase its financial contribution accordingly. The City Manager will meet with the Commissioners to work on a resolution.

### **CONSENT AGENDA**

Commissioner Putnam made the motion to approve the acknowledgement of the claims that have been paid from July 12, 2012 to August 2, 2012 for a total of \$97,597.02 and Commissioner Hewitt seconded the motion. The motion passed unanimously.

### **REGULAR AGENDA – Resolutions, Ordinances & Other Action Items:**

1. Discussion on the bridge near Garfield School.

Mr. Myhre explained that at the last Commission Meeting Commissioner Turk brought up the issues that go on at the bridge located on East Boulevard Street in the area of Garfield School. Mr. Myhre explained that he is unsure of what the solution would be for some of the complaints that are received by the City. Further discussion followed. Commissioner Turk asked what the City's liability is if an accident happens down at the bridge. Mr. Myhre explained that there is probably some liability in the right of way down by the creek. Mr. Myhre further explained that he will contact the City's insurance carrier to determine what the City's liability is and see what they would suggest that we do to address the issues. Mr. Myhre encouraged the Commissioners to go down and look at the area.

## 2. Discussion on a draft sidewalk ordinance.

Mr. Myhre apologized that we will be talking about a fence encroachment ordinance not a sidewalk ordinance. Mr. Myhre explained that the City has a couple of different fence ordinances and citizens want to build their fence to the edge of their property that is sometimes public right of way. There was a meeting of the encroachment committee and basically it is an ordinance authorizing the Director of Public Works to issue temporary encroachment permits in limited circumstances for fences requested to be erected in the City right-of-way. Mr. Myhre commented that if you drive around the City of Lewistown you will see a lot of fences that are built in the City right of way. Some of the fences are fine and do not over encumber right of way and there are some that utilize a lot of public right of way. Further discussion followed. Mr. Myhre explained that if a citizen wanted to build a fence outside their property lines, they will need to contact the Public Works Department and they would look at the request and then could issue an encroachment permit. Mr. Myhre explained that there would be an application fee and application process and a document that will be filed with the Clerk and Records office. Mr. Boettger explained that by filing the document with the Clerk and Records office any sale of property will know of encroachment on public right of way. Commissioner Doney asked if it would be a onetime fee. Mr. Myhre stated that it will be a onetime application fee. Mr. Boettger commented that this ordinance does not address any structures or use of public right of way along the trail system. Further discussion followed. Commissioner Turk commented that she does not feel that the encroachment permits can transfer with the sale of property. Mr. Boettger stated that might be a little hard to have them irrevocable. Commissioner Putnam explained that the ordinance does grandfather existing fences. Mr. Boettger stated that the existing fences will have to come in and get an encroachment permit in place. Mr. Myhre commented that it was suggested at one time that the application fee should be \$50.00. Commissioner Turk suggested that the fine be \$5.00 per day.

## 3. Discussion and action on Resolution No. 3790, a resolution amending the 2011-2012 budget for the City of Lewistown.

Mr. Myhre explained that the Finance Officer Nikki Brummond has been busy working on the budget and was unable to get the amendment done. It will be on the next agenda.

### **CITIZENS' REQUESTS**

Mr. Petier Hondius commented that he made special arrangements to be here and is very disappointed that he thought there was going to be discussion on sidewalks and actually it was a fence ordinance. Mr. Hondius further commented that he is concerned about the lack of sidewalks and it is the first City he has lived in that the land owner is responsible for the maintenance of the sidewalk. Mr. Myhre explained that he can contact a City Commissioner to get your sidewalk concerns on the agenda.

## **COMMISSIONER'S MINUTE**

Commissioner Berry reported that kids from the Boys and Girls Club delivered cookies to the neighborhood. It was a thank you for being a great neighbor. The Boys and Girls Club really appreciate being able to be in their building.

Commissioner Doney stated that she would like to bring to the attention of the Commission the number of dogs that are at the parades. Commissioner Doney reported that at the Fourth of the July parade there were a lot of dogs and some dogs were nipping at the kids. Commissioner Doney commented that maybe dogs at parades need to be looked at.

Commissioner Berry commented that it was her understanding that candy is not to be thrown at parades. Commissioner Berry thinks that the Chamber should not be allowed to have a parade if they are not going to follow the rules. Mr. Myhre explained that maybe the parade organizers need to enforce the rule of not throwing candy at parades. Mr. Myhre commented that also at the fair parade there was no one cleaning up after the horses and that was somewhat problematic. Mr. Myhre further commented that he will continue to work on these issues with regards to parades.

## **ADJOURNMENT**

Chairman Gremaux adjourned the meeting.

Dated this 6<sup>th</sup> day of August, 2012.

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Frank Gremaux, Commission Chairman

ATTEST:

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Nikki Brummond, City Clerk